

REMARKS:

Claims 4 to 8, 25 to 29 and 41 to 44 are in the application, with claims 4, 6 to 8, 25, 27, 41 and 43 having been amended and claims 1 to 3, 9 to 24 and 30 to 40 having been cancelled. Claims 4, 25, 41 and 43 are the independent claims. Examination and passage to issue are respectfully requested.

No Rule 131 Affidavit

In the first Preliminary Amendment filed in this case, Applicant expressed an intention to file a Rule 131 Affidavit to swear behind Kikinis. Upon further consideration, Applicant has decided not to pursue a Rule 131 Affidavit at this time.

Procedural Posture

The pending claims correspond to like numbered claims cancelled from the parent application before allowance. Accordingly, in this Second Preliminary Amendment, Applicant argues the patentability of the pending claims over the art applied in the parent.

Patentability

The claims in the parent application corresponding to pending claims 4, 7, 8, 25, 28, 29, and 41 to 44 were rejected under 35 U.S.C. § 103(a) over allegedly admitted prior art in view of U.S. Patent No. 5,794,259 (Kikinis) and U.S. Patent No. 5,623,603 (Jiang). The claims

in the parent application corresponding to pending claims 5, 6, 26 and 27 were rejected under 35 U.S.C. § 103(a) over allegedly admitted prior art in view of Kikinis, Jiang, and Bobo II. The rejections of claims 4 to 8 and 25 to 29 are respectfully traversed. Claims 41 to 43 have been amended.

Claim 4: This claim has been amended into independent form, but not for reasons of patentability. Claim 4 recites a method for presenting electronic mail messages to an operator. The method includes loading a plurality of headers from a mail server, each one of the headers associated with an electronic mail message addressed to at least the operator, and each of the plurality of headers loaded separately from its associated electronic mail message. The method also includes receiving a dynamic selection of a first one of the electronic mail messages from the operator after at least one of the plurality of headers have been loaded and prior to the associated electronic mail message being loaded. The method further includes presenting the first electronic mail message to the operator, identifying a second one of the electronic mail messages for preloading, and preloading the second electronic mail message for later presentation, without interrupting presentation of the first electronic mail message. According to claim 4, a status of the step of preloading the second electronic mail message is presented to the operator.

The applied art, alone or in combination, is not seen to disclose or to suggest the foregoing features of claim 4, at least with respect to the feature of presenting a status of preloading an electronic mail message.

In this regard, the Office Action applied a combination of references against claim

4. The Office Action provided the following motivation for the applied combination: “it would have been desirable to display to the operator the status of other messages being preloaded as this type of display would alert the operator to other messages in the process of being downloaded that the operator may wish to review.”

Applicant certainly agrees that one of the benefits of the claimed arrangement is that it displays to an operator the status of preloading messages that the operator may wish to view. However, merely citing a benefit of a claimed arrangement as disclosed by Applicant’s own disclosure does not suffice as motivation to combine references. Rather, as stated at M.P.E.P. § 2143, the motivation to combine references must spring from “either ... the references themselves or in the knowledge generally available to one of ordinary skill in the art.”

Clearly, the motivation set forth in the Office Action is not springing from the applied references themselves. Therefore, Applicant is left with the conclusion that the Examiner considers the supplied motivation to spring from “knowledge generally available to one of ordinary skill in the art.” However, Applicant respectfully believes that one of ordinary skill in the art at the time the invention was made would not have been motivated by generally available knowledge to combine a status indicator with preloading. Applicant turns to a so-called “secondary consideration” in support of this belief.

As stated at M.P.E.P. § 2141, “[o]bjective evidence or secondary considerations ... are relevant to the issue of obviousness and must be considered in every case in which they are present. When evidence of any of these secondary considerations is submitted, the examiner must

evaluate the evidence.” In the present case, Applicant submits that one significant consideration shows the unobviousness of the combination of a status indicator with preloading messages. This consideration is the fact that, to Applicant’s knowledge, both a status indicator and preloading of messages have existed for considerable time without being combined by other practitioners in the art.

In particular, a status indicator is so well known that the Examiner did not even deem it necessary to cite art. Instead, the Examiner stated that “a sliding bar status indicator indicating a percentage of data downloaded is old and well-known in the art.”

Turning to preloading, Applicant’s own disclosure of preloading of messages is now over five years old. After a thorough on-line search, Applicant’s representative was unable to find anyone else using the combination of a status indicator and preloading of messages. Surely if such an admittedly simple concept as applying a status indicator to preloading of messages was obvious, someone else skilled in the art would have come up with the combination in five years. As the Examiner is surely aware, five years is an extremely long time in the world of software and web development.

For at least the foregoing reasons, the applied art, alone or in combination, is not believed to disclose or to suggest claim 4’s feature of presenting a status of preloading an electronic mail message. Accordingly, claim 4 and the claims that depend therefrom are believed to be allowable, and such action is respectfully requested.

Claim 25: This claim also has been amended into independent form, but not for reasons of patentability. Amended claim 25 recites an apparatus for presenting electronic mail

messages to an operator. The apparatus includes a mail client disposed for coupling to a mail server using a communication link. The apparatus also includes means at the mail client for loading a plurality of headers from a mail server, each one of the headers associated with an electronic mail message addressed to at least the operator, each of the plurality of headers loaded separately from its associated electronic mail message. The apparatus further includes an input port at the mail client disposed for receiving a dynamic selection of a first one of the electronic mail messages from the operator after at least one of the plurality of headers have been loaded and prior to the associated electronic mail message being loaded. Additionally included are an output port at the mail client disposed for presenting the first electronic mail message to the operator, means at the mail client for identifying a second one of the electronic mail messages for preloading, and means at the mail client for preloading the second electronic mail message for later presentation, without interrupting presentation of the first electronic mail message. An input element is coupled to the input port, and an output element is coupled to the output port. According to claim 25, the apparatus includes a progress indicator for preloading the second electronic mail message.

The applied art, alone or in combination, is not seen to disclose or to suggest the foregoing features of claim 25, at least with respect to the feature of a progress indicator for preloading an electronic mail message. Accordingly, claim 25 and the claims that depend therefrom are believed to be allowable, and such action is respectfully requested.

Claim 41: Amended claim 41 recites a computer program product that includes a computer usable storage medium having computer readable code embodied therein for causing a

computer to present electronic mail messages to an operator. The computer readable code includes computer readable program code configured to cause the computer to effect a mail client disposed for coupling to a mail server using a communication link. The computer readable code also includes computer readable program code configured to cause the computer to effect a header load mechanism at the mail client configured to load a plurality of headers from a mail server, each one of the headers associated with an electronic mail message addressed to at least the operator, each of the plurality of headers loaded separately from its associated electronic mail message. The computer readable code further includes computer readable program code configured to cause the computer to effect a first input mechanism at the mail client configured to receive a dynamic selection of a first one of the electronic mail messages from the operator after at least one of the plurality of headers have been loaded and prior to the associated electronic mail messages being loaded. Additionally, the computer readable code includes computer readable program code configured to cause the computer to effect a presentation mechanism configured to present the first electronic mail message to the operator, computer readable program code configured to cause the computer to effect a selection mechanism at the mail client configured to identify a second one of the electronic mail messages for preloading, and computer readable program code configured to cause the computer to effect a download mechanism at the mail client configured to preload the second electronic mail message for later presentation, without interrupting presentation of the first electronic mail message. According to claim 41, the computer readable code includes computer readable program code configured to

cause the computer to effect a progress indicator configured to present to the operator a status of preloading the second electronic mail message.

The applied art, alone or in combination, is not seen to disclose or to suggest the foregoing features of claim 41, at least with respect to the feature of a progress indicator configured to present a status of preloading an electronic mail message. Accordingly, claim 41 and claims 42, which depends therefrom, are believed to be allowable. Such action is respectfully requested.

Claim 43: Amended claim 43 recites an apparatus for presenting electronic mail messages to an operator. The apparatus includes a mail client disposed for coupling to a mail server using a communication link, and a header load mechanism at the mail client configured to load a plurality of headers from the mail server. Each one of the headers is associated with an electronic mail message addressed to at least the operator, and each of the plurality of headers is loaded separately from its associated electronic mail message. The apparatus also includes a first input mechanism at the mail client configured to receive a dynamic selection of a first one of the electronic mail messages from the operator after at least one of the plurality of headers have been loaded and prior to the associated electronic mail messages being loaded. The apparatus further includes a presentation mechanism configured to present the first electronic mail message to the operator, a selection mechanism at the mail client configured to identify a second one of the electronic mail messages for preloading, and a download mechanism at the mail client configured to preload the second electronic mail message for later presentation, without interrupting presentation of the first electronic mail message. According to claim 43, the

apparatus includes a progress indicator mechanism at the mail client configured to present to the operator a status of preloading the second electronic mail message.

The applied art, alone or in combination, is not seen to disclose or to suggest the foregoing features of claim 43, at least with respect to the feature of a progress indicator mechanism configured to present a status of preloading an electronic mail message.

Accordingly, claim 43 and claims 44, which depends therefrom, are believed to be allowable.

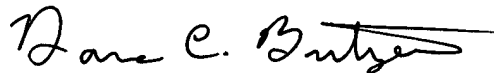
Such action is respectfully requested.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane C. Butzer", with a stylized flourish at the end.

Dane C. Butzer
Reg. No. 43,521

Dated: September 28, 2001

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700

Changes to Claims

Pursuant to 37 C.F.R. § 1.121(c)(ii), changes to any claims effected by the accompanying paper are indicated below.

Claims 1 to 3, 9 to 24 and 30 to 40 have been cancelled.

Claims 4, 6 to 8, 25, 27, 41 and 43 have been amended, as follows:

4. (Twice Amended) A method for presenting electronic mail messages to an operator [as in claim 1], including the step [steps] of:

loading a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;

receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;

presenting said first electronic mail message to said operator;

identifying a second one of said electronic mail messages for preloading;

preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message; and

presenting to said operator a status of said step of preloading said second electronic mail message.

6. (Amended) A method as in claim 4, wherein said step of presenting to said operator said status includes the step of displaying a preview of said second electronic mail message in a distinct format.

7. (Amended) A method as in claim 4, wherein said step of presenting to said operator said status includes the step of displaying at least one graphic element.

8. (Amended) A method as in claim 4, wherein said step of presenting to said operator said status includes the step of displaying text.

25. (Twice Amended) Apparatus for presenting electronic mail messages to an operator [as in claim 20], said apparatus including:

a mail client disposed for coupling to a mail server using a communication link;
means at said mail client for loading a plurality of headers from a mail server,
each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;

an input port at said mail client disposed for receiving a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail message being loaded;

an output port at said mail client disposed for presenting said first electronic mail message to said operator;

means at said mail client for identifying a second one of said electronic mail messages for preloading;

means at said mail client for preloading said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message;

an input element coupled to said input port;

an output element coupled to said output port; and

a progress indicator for preloading said second electronic mail message.

27. (Twice Amended) Apparatus as in claim 25, wherein said progress indicator includes a preview of said second [send] electronic mail message in a distinct format.

41. (Amended) A computer program product including:

a computer usable storage medium having computer readable code embodied therein for causing a computer to present electronic mail messages to an operator, said computer readable code including:

computer readable program code configured to cause said computer to effect a mail client disposed for coupling to a mail server using a communication link;

computer readable program code configured to cause said computer to effect a header load mechanism at said mail client configured to load a plurality of headers from a mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;

computer readable program code configured to cause said computer to effect a first input mechanism at said mail client configured to receive a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail messages being loaded;

computer readable program code configured to cause said computer to effect a presentation mechanism configured to present said first electronic mail message to said operator;

computer readable program code configured to cause said computer to effect a selection mechanism at said mail client configured to identify a second one of said electronic mail messages for preloading; [and]

computer readable program code configured to cause said computer to effect a download mechanism at said mail client configured to preload said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message; and

computer readable program code configured to cause said computer to effect a progress indicator configured to present to said operator a status of preloading said second electronic mail message.

43. (Amended) An apparatus for presenting electronic mail messages to an operator, the apparatus including:

a mail client disposed for coupling to a mail server using a communication link;

a header load mechanism at said mail client configured to load a plurality of headers from said mail server, each one of said headers associated with an electronic mail message addressed to at least said operator, each of said plurality of headers loaded separately from its associated electronic mail message;

a first input mechanism at said mail client configured to receive a dynamic selection of a first one of said electronic mail messages from said operator after at least one of said plurality of headers have been loaded and prior to said associated electronic mail messages being loaded;

a presentation mechanism configured to present said first electronic mail message to said operator;

a selection mechanism at said mail client configured to identify a second one of said electronic mail messages for preloading; [and]

a download mechanism at said mail client configured to preload said second electronic mail message for later presentation, without interrupting presentation of said first electronic mail message; and

a progress indicator mechanism at said mail client configured to present to said operator a status of preloading said second electronic mail message.